

Serial No. 09/525,595

Page 10 of 12

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed January 31, 2006. In the Office Action, the Examiner notes that claims 2-20, 22-40 and 42-50 are pending, of which claims 2-20, 22-40 and 42-50 stand rejected. Applicant submits that, since claims 4 and 24 were cancelled by Applicant's previous response dated 12/12/05, claims 2-3, 5-20, 22-23, 25-40 and 42-50 stand pending and rejected. By this response, claim 44 is amended.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Further, Applicant has addressed the Examiner's double patenting rejection.

REJECTIONS**Double Patenting**

The Examiner has rejected claims 1, 3, 11, 18, 22, and 31-34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims of U.S. Patent 6,901,067.

Applicant submits herewith a terminal disclaimer to U.S. Patent Serial No. 6,901,067. Applicant respectfully request withdrawal of the rejection.

35 U.S.C. §103**Claims 2-20, 22-40 and 42-50**

In the Office Action, the Examiner indicated that claims 2-20, 22-40 and 42-50 are rejected under 35 U.S.C. §103 as being obvious over Sicher et al. (U.S. Patent No. 6,385,195, issued May 7, 2002, hereinafter "Sicher") in view of Fitch et al. (U.S. Patent No. 6,647,389, issued November 11, 2003, hereinafter "Fitch"). In the Office Action, however, the Examiner only addresses claims 42-50

Serial No. 09/525,595

Page 11 of 12

as being obvious over Sicher in view of Fitch. As such, since Applicant believes the Office Action to include a typographical error with respect to rejection of claims 2-20 and 22-40, Applicant only addresses the rejection of claims 42-50 herein. Applicant respectfully traverses the rejection of claims 42-50 over Sicher in view of Fitch.

In general, Sicher teaches an interworking function (IWF) for interfacing digital cellular voice and fax protocols and internet protocols. In particular, Sicher teaches an internet working function wherein an enhanced IWF (E-IWF) operates to enable a voice communication (e.g., voice or fax) to be conveyed over an Internet protocol (IP) network. The Sicher arrangement receives voice frames via a radio link and maps those voice frames to a corresponding voice-over-IP (VoIP) protocol. If such direct mapping is not possible, then an intermediate PCM or ADPCM conversion is utilized (Sicher, Col. 5, Lines 21-35).

In general, Fitch teaches a search engine to verify streaming audio sources. That is, within the context of multiple media streams on a network of computers, the Fitch arrangement is adapted to address, via URL, each of a plurality of media streams to determine which of those streams is operating correctly. Those streams that are available may be utilized by users. In other words, Fitch operates to restrict the choices of a user to those preexisting streams that are functioning correctly.

Sicher and Fitch, however, alone or in combination, fail to teach or suggest Applicants' invention of at least claim 44, as a whole. Namely, Sicher and Fitch, alone or in combination, fail to teach or suggest at least the limitation of "wherein said session is remotely controllable via said client device using control messages for controlling presentation of said requested media content," as taught in Applicant's invention of at least claim 44. As such, Sicher and Fitch, alone or in combination, fail to teach or suggest Applicant's invention of at least claim 44, as a whole.

Therefore, for at least the reasons discussed above, it is respectfully submitted that Independent claim 44 is patentable over the cited references. Furthermore, since dependent claims 42-43 and 45-50 depend, either directly or

Serial No. 09/525,595

Page 12 of 12

indirectly, from independent claim 44, it is respectfully submitted that all these dependent claims are also patentable over the cited references. Therefore, Applicant respectfully requests that the rejections be withdrawn.

CONCLUSION

Thus, Applicant submits that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Mr. Eamon J. Wall at (732) 383-1438 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

4/5/06

Eamon J. Wall
Registration No. 39,414
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808